

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MIDWEST INSTITUTE OF HEALTH, PLLC, et al.,	)	
	)	
Plaintiffs,	)	
	)	No. 1:20-cv-414
-v-	)	
	)	Honorable Paul L. Maloney
GRETCHEN WHITMER, et al.,	)	
Defendants.	)	
	)	

---

**ORDER TO FILE STATUS REPORT**

This case alleges that Michigan Governor Gretchen Whitmer's Covid-19 Executive Orders violated several of Plaintiffs' constitutional rights (*see generally* ECF No. 1). Plaintiffs seek a declaratory judgment and an order from this Court enjoining Defendants from enforcing those Executive Orders (*Id.*).

On October 2, 2020, the Michigan Supreme Court struck down Governor Whitmer's Covid-19 Executive Orders, holding that they lack any basis under Michigan law. *In re Certified Questions from United States District Court*, \_\_\_ N.W.2d \_\_\_, 2020 WL 5877599 (Mich. 2020). On October 12, 2020, the Michigan Supreme Court denied the Governor's motion to stay the October 2 decision. *In re Certified Questions from United States District Court*, 949 N.W.2d 274 (Mich. 2020) (mem.). Therefore, the Michigan Supreme Court's decision has already taken effect, and Governor Whitmer's Covid-19 Executive Orders are no longer in force.

Considering the Michigan Supreme Court's October 2 decision, this Court requests a status report. The Court seeks comment from the parties regarding the viability of the claims raised in the complaint in light of the *Certified Questions* decision and the fact that the challenged Executive Orders have been set aside. The Court also seeks comment from the parties on what relief, if any, is available to Plaintiffs post-*Certified Questions*. Accordingly,

**IT IS HEREBY ORDERED** that the parties shall file a joint status report no later than December 1, 2020.

**IT IS SO ORDERED.**

Date: November 12, 2020

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge